

**REMARKS**

Please reconsider this application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application, for indicating that claim 3 is allowed, and for indicating that claim 2 contains allowable subject matter.

**Disposition of the Claims**

Claims 1-4 are pending in this application. Claims 1, 3 and 4 are independent claims. Claim 2 depends from claim 1.

**Obviousness-Type Double Patenting Rejection**

Claims 1 and 4 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 7,534,045 ("Nakajima"). Applicant defers filing a Terminal Disclaimer until the application is otherwise in condition for allowance.

**Rejection under 35 U.S.C. § 102**

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,607,135 ("Hirai"). This rejection is respectfully traversed.

Referring to Figs. 1A and 1B as an example, the sealing member 5 of the claimed invention is fitted to a bearing device for sealing a bearing space between raceway members 1, 2. The sealing member 5 is made of rubber or resinous elastic element 7 equipped with a core metal 6. An IC tag 9 is fitted to the core metal 6, and the core metal serves as an antenna for the OC tag 9.

Accordingly, claim 1 requires, in part, "a sealing member... is fitted to the bearing device for sealing a bearing space delimited between mutually confronting raceway members of

the bearing device,” and “is made of rubber or resinous elastic element equipped with a core metal, the elastic element being adapted to engage the raceway members.” Similarly, claim 4 requires, in part, “a bearing space delimited between raceway members, which space is sealed by a non-contact type sealing member made of metallic material.”

In the Office Action, the Examiner asserts that “Hirai discloses an IC-tagged bearing device (see figure 5) having a bearing space 72 delimited between confronting raceway members 7, which space is sealed by non-contact sealing member such as resin with metal particles (see figure 4; col. 5, lines 20-33).”

However, Hirai merely discloses an IC card. The claims explicitly require a bearing device having raceway members. An IC card, which has no moving parts, cannot reasonably read on a bearing device having a bearing space delimited between raceway members, because an IC card cannot function as a bearing device, and does not have raceway members. Thus, Hirai fails to show or suggest at least the above limitations of claims 1 and 4.

In view of the above, claims 1 and 4 are patentable over Hirai, at least for the above reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Incompleteness of the Office Action**

Applicant notes that the present Final Office Action is incomplete. MPEP 707.07(f) requires that, “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and *answer the substance of it.*” (emphasis added) In the reply to the previous Office Action, Applicant set forth the above arguments regarding the patentability of claims 1 and 4 over Hirai. In order for the present Office Action to be complete, the Examiner must *specifically rebut* each of the arguments set forth by Applicant. Instead, the Examiner merely copied and pasted the rejection from the

previous Office Action, and stated “As described in paragraph 5 above, Hirai discloses an IC-tagged bearing device having a bearing having a bearing space delimited between confronting raceway members, which is sealed by non-contact sealing member. Accordingly, Applicant’s argument is not persuasive.” The Examiner’s statement is wholly conclusory, and points to the rejection, which as explained above, was copied and pasted from the previous Office Action. Thus, the Examiner has failed to rebut Applicant’s arguments in the previous reply. For example, the Examiner has not presented any evidence or reasons for how an IC card with *non-moving parts* could read on a *bearing device* having a bearing space delimited between *raceway members*. One of ordinary skill in the art would recognize that, at the very least, raceway members must be movable with respect to each other.

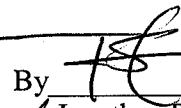
Applicant respectfully requests a Notice of Allowance, or a complete Office Action on the merits that specifically addresses Applicant’s arguments beyond a mere conclusory statement.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17214/011001).

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Respectfully submitted,

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